

## Vermont Legislature.

### SENATE.

Report of Committees. Mr. Sabin, from the select committee raised on so much of the Governor's message as relates to slavery and the annexation of Texas to the Union, and on the resolutions of Mr. Read, reported a set of resolutions and a bill further to protect human liberty; which were read and laid on the table.

Mr. Cahoon called up the bill requiring property taken on execution to be posted 14 days before sale; supported by Messrs. Briggs, Farr, Allen, Butler and Porter, and opposed by Messrs. Cahoon, Camp, Dutton. Mr. Farr moved to amend, acquiescing the sale to be made at the most public place, instead of place agreed upon by the parties; adopted; the bill was ordered to be read a third time—years 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 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1000.

Adjoined.

Bills introduced.—Constituting a board of education (the board to consist of the Governor and two persons to be appointed by the legislature, who are to appoint a secretary, with a salary not exceeding \$100, to collect and disseminate accurate information from every district in the state) which was referred to the committee on education. By Mr. Vilas, placing the rail road charters which should be granted this year, under the control of the next legislature. Mr. V. explained his object—wished the people to pass upon the question, and decide whether these charters should be granted without retaining the feature of legislative control.—The bill was rejected on the 2d reading, ayes 100, noes 107.

The amendment of the Senate to the bill regulating the imprisonment of trustees (altering the title, to "regulating proceedings against trustees," was concurred in.

Special order. The House proceeded to the special order, viz. the bill to incorporate the Ascutney bank.

The vote on the 2d reading was, ayes 13, noes 194; so the bill was rejected.

The Governor informed the House that in pursuance of the resolution of yesterday, he had appointed Messrs. Cutts and Farr of the Senate, Messrs. Vilas, Daniels and Davis of the House, and Gen. Clarke and Col. Billings of the Staff, to wait upon Col. Richard M. Johnson, and invite him to meet both Houses at 12 M., this day, and that Col. Johnson had accepted the invitation.

Resolutions. By Mr. Hawkin, requesting the Governor to appoint the 7th of December as a day of Thanksgiving; passed. By Mr. Wright of Shoreham, for a joint assembly at 3 p. m. this day to elect a reporter of the decisions of the Supreme Court; passed.

As the time had arrived for receiving Col. Johnson, on motion of Mr. Harrington the House adjourned.

SENATE.

2 o'clock, P. M.

The House bill incorporating the Brattleboro' and Fitchburg Rail Road Company, was read twice and referred to committee on Roads.

A message was received from the House that the House had appointed on their part a committee of conference on the disagreement of the two Houses on Joint Rules.

Petition. Mr. Harris presented a petition of the inhabitants of Bellows Falls for a rail road, read and referred to committee on Roads.

The Senate went into joint assembly; on their return, the bill relating to sheriff's sale was taken up, and supported, by Mr. Dutton and opposed by Mr. Farr and rejected—years 14, 15, 16.

Adjoined.

HOUSE.

The chair appointed the Committee of Conference on joint rules, viz. Messrs. Vilas, Whittemore, Henry.

Reports of Committees. By Judiciary Committee, against bill relating to the collection of taxes on non-residents' lands, and it was dismissed. By majority of committee on banks, bill incorporating the Lamoille county bank, at Johnson, which was made the order for tomorrow afternoon. By Judiciary committee, against bill repealing the charter of the Champlain Transportation Co. and it was dismissed: against bill relating to appeals in cases before justices of the peace, and it was dismissed. Bill in addition to chapter 73 revised statutes, relating to pleas in effect (not extending to negotiable notes, payable at banks) which, after remarks by Messrs. Wright of Shoreham, and Whittemore, was made the order for Monday morning next.

Bill introduced. From the Senate in addition to chapter 81 R. S. relating to associations to extinguish fires, which was ordered to a third reading.

The Senate coming in, the following elections were made:

Chipman Swain, Superintendent of the State Prison.

Thomas Kidder, chaplain of the State Prison.

Daniel Denison, Director of the State Prison.

Abner Field, ditto.

Stephen Prentiss, ditto.

Hon. Wm. Slade, Reporter of decisions of the Supreme Court.

The Senate retired and the House proceeded with business.

FRIDAY EVENING, Oct. 27.

Mr. Briggs called up the bill from the House in relation to granting licenses to retailers of spirits, which repeals the 6th, 7th, 12th, and 13th sections of chap. 83 of the R. S., and explained that the first section which is proposed to be repealed

gives the County Court the power to license; the second provides for cases where the civil authority fail to appraise persons to be licensed; and the two last relate to licensing in vacation of the court. In his view, the passage of this bill would take away the power of the courts, and thus amount to a total prohibition of the traffic. If this were so, it would be doing a thing indirectly, which should be done directly, if done at all. He believed the cause of temperance was now progressing more rapidly than it would progress, if attempts were made to aid it by legislation. The friends of that cause, indeed, ask no legislation in advance of public opinion.

The bill was then rejected on the third reading.

Capital Punishment.

The Senate proceeded to consider the bill repealing the act of last year in relation to capital punishment, the question being upon the amendment of Mr. Butler, which requires a postponement after conviction. On this question a somewhat protracted debate ensued.

The question was then put, and the amendment adopted, as follows:

Ayes.—Messrs. Bass, Bingham, Briggs, Butler, Cahoon, Camp, Farr, Green, Griswold, Morgan, Mott, Phillips, Plumb, Sabin, Scott, Sprague, Thompson.—17.

Noes.—Messrs. A. Allen, E. Allen, Cutts, Dutton, Field, Harris, Hubbard, Munhall, Porter, Read, Sargeant, Starr, Stone.—13.

On motion of Mr. Briggs, the bill was further amended by fixing the time for issuing the warrant at three months after the sentence of death is passed. Adjourned.

SENATE.

Saturday, Oct. 28.

From the House, for the appointment of a day of Thanksgiving. Mr. Cahoon moved to amend by striking out "7th day of December," and inserting last Thursday in December; lost. The resolution was then non-concurred in.

The bill relating to banks came from the House with the non-concurrence of the House in the amendment of the Senate. On motion of Mr. Starr the Senate resolved to recede from their amendment.

The bill repealing an act relating to the punishment of capital crimes, was amended in its title by striking out "repealing an act;" the bill was ordered to be engrossed and read a third time.

The bill incorporating the Champlain and Connecticut River Railroad Company, was read a third time and passed.

HOUSE.

Montpelier, Oct. 27, 1843.

To the Speaker of the House of Representatives:

Sir,—I resign my seat as a member of the House of Representatives from Windsor.

I am with great respect,  
Your obt. servant,  
HORACE EVERETT.  
The Militia Bill.

The House resumed consideration of this bill, the question being on Mr. Vilas' amendment, stated yesterday.

Mr. Vilas said that in deference to the wishes of the friends of the bill he would withdraw his amendment, though he was satisfied the amendment was right.

Mr. Peck moved to amend by adding practising surgeons and physicians to the list of those who are exempt on paying \$2 a year.

Mr. Goodhue moved to add, students of colleges, faculties and students of academies, ferrymen and millers.

Mr. Davis of N. regretted that he had not added "all other citizens." He would be liberal, but not to a fault, and wanted no privileged orders.

Mr. Goodhue thought these were exempted absolutely by the act of '37 without paying anything, and that the effect of his amendment would be to require them to pay \$2. Amendment lost, when Mr. Peck's amendment was adopted, 82 to 57.

Mr. Grandy moved to amend by adding quakers to the list of those who are exempted without the payment of an equivalent. Supported by Messrs. Grandy and Winslow; opposed by Messrs. Davis of N. and Henry, and rejected.

Mr. Wright of S. moved to lay the bill on the table; lost, and the bill was ordered to a 3d reading.

Mr. Davis of N. called up the bill repealing the act of last year in relation to the militia.

The bill was passed, ayes 127, noes 54. Adjourned.

SENATE.

2 o'clock, P. M.

Reports of Committees.—Mr. Field, from Committee on Roads, reported bill incorporating Brattleboro' and Fitchburg Railroad Company, which was read a third time and passed. Mr. Griswold, from Committee on Roads, reported a bill reviving charter of Connecticut and Passumpsic Rivers Railroad Company; read a third time and passed. Mr. Porter, from committee on Manufactures, reported House bill incorporating Lincoln Iron Company; read a third time and passed.

The bill relating to the militia of this state was read a third time and passed.

The House bill repealing militia act of last year was read twice and referred to committee on Military Affairs.

Resolution.—Mr. Farr introduced a resolution for a joint assembly for the election of Judges of Supreme Court on Tuesday at 10 o'clock; passed.

The Senate went into joint assembly; on their return.

Mr. Dutton called up the bill relating to assignments, and moved to strike out all after the enacting clause and insert the following—*all assignments made in this state, made by debtors for the benefit of creditors shall provide for all equal and*

Pro rata distribution of the real and personal estate among creditors; all assignments contrary shall be void; this bill to take effect from its passage; adopted; the bill was ordered to be engrossed.

HOUSE.

Fugitive Slaves.

Mr. Whittemore, from the judiciary committee, made an argumentative report on the subject of fugitive slaves, concluding with a bill for the protection of personal liberty.

The bill provides,

1st. That no judge or other magistrate shall take cognizance of the 3d section of the act of Congress 1793.

2nd. That no sheriff, jailor, or other officer or citizen of Vermont, shall seize, detain or imprison any person claimed as a slave.

3d. That no officer or citizen of Vermont shall aid in transporting from the State any person claimed as a slave.

4th. The penalty for violation of either of these provisions is a fine of \$1000 or confinement in the State prison five years.

5th. Former acts repealed.

6th. This act to take effect from the day of its passage.

The bill was ordered to a third reading—ayes 166, noes 5. (The nays were Messrs. Barnes, Griswold, Hodgkins, Phillips, Sherwood.)

The Judiciary Bill.

Mr. Harrington called up this bill, the question being on the amendment, which provides that the act shall not take effect until one year from 1st Nov. next.

The Senate came in and the following appointments were made:

CALEDONIA COUNTY.  
Samuel B. Mattocks, Judge of Probate.

WINDSOR COUNTY.  
Geo. E. Wales, Judge of Probate for the district of Hartford.

WASHINGTON COUNTY.  
Samuel Warren, Lyndon A. Marsh, Nahum Haskell, Jail Commissioners.

CHITTENDEN COUNTY.  
Cyrus Ware, Jail Commissioner.

David P. Pangborn, Jail Commissioner. The joint assembly adjourned to 3 p. m. Monday next, and the Senate retired.

Mr. Harrington very briefly supported, and Mr. Folsom opposed the judiciary bill, when it was rejected on the 3d reading, 122 to 57.

SENATE.

Monday, Oct. 30.

Reports of Committees. Mr. Briggs, from Judiciary committee, to which was referred a resolution relating to 14th vol. Vermont Reports, made a lengthy report, shewing that the law on this subject is not complied with, by the Judges of the Supreme Court, and concluded by three resolutions directing the Reporter to call upon the Judges for all the cases decided which have not been reported; directing the reporter to publish one or more volumes of the reports, containing the cases decided previous to and including those of 1843; directing all the cases reported to be published and distributed within one year from the publication. Report and resolutions laid on the table.

Mr. Dutton called up the bill relating to assignments, which was read a third time; on motion the 1st section was amended by inserting "general" before assignment.—Mr. Cahoon moved to amend so that this bill shall not prevent the mortgaging or pledging of property to secure the payment of a sum of money, as is now done; opposed by Messrs. Dutton, Sargeants Briggs, Cutts, and withdrawn. On motion of Mr. Cahoon, amended by inserting "such" before assignments, in the last clause; the bill then passed.

A communication was received from the Governor announcing that Loren Dean declined to accept the office of Assistant Judge of the County Court.

HOUSE.

Bills Introduced.—By Mr. Harrington, to protect the character of women, which was referred to the judiciary committee; altering the place (from Rutland to Castleton) for holding the Supreme and County Courts of Rutland county which was referred to the members from Rutland Co. By Mr. Field of Guilford, dividing proceeds of sales of public lands among the several towns, which was referred to the general committee. From the Senate, incorporating the Champlain and Connecticut River Rail Road Co. (to build a road via Addison, Rutland and Windham counties.) Mr. Davis of N. moved to amend, placing this act under the control of the next legislature—*marking that he merely wished the corporators to run the risk of having as wise a legislature next year as this.* Mr. Whittemore regarded this question already too well settled to require discussion. Mr. Rice of Somerset was willing to take the amendment, on the ground that it was a question on which the people had not acted. Mr. Stacy urged that this year was the favorable time to get the stock taken, and if deferred one year, he feared it would be fatal to the project. He said that if members were not prepared to act definitely now, he hoped they would go home and consult their mothers. Mr. Sherwood seconded the last suggestion; he thought the mothers of Vermont were too wise to saddle the State with such corporations. Mr. Whittemore treated this amendment as a mere trap, in effect a proposition to submit the corporation to the control of all future legislatures. Mr. Vilas said the trap was on the other side, sprung upon the people to prevent them from expressing their will upon this subject. After further suggestions by Messrs. Davis of N., Rice of Somerset, Winslow, Warner, and Rice of Bridport, the vote was taken; ayes 89, noes 101. So the amendment was rejected. The bill was ordered to a 2d reading.

By general committee, bill regulating fees of County Clerks, (not to exceed \$800 per annum). Mr. Stacy moved an amendment, that when the fees do not amount to that sum, the State shall make up the balance, which was supported by Mr. Stacy, who said that if the House was about to adopt the principle that salaries were not to be proportioned to the amount of service, he hoped they would carry it out and make the pay of all equal. Mr. Grandy said the amendment reminded him of the poor debtor about to take the oath, who, when asked

Mr. Grandy called up the bill to charter the Lamoille county bank, and Mr. Warner stated the facts presented to the committee, remarking that the majority were in favor of the bill, though he dissented, believing that the business of the county would not warrant a bank.

Mr. Flint of Lowell said that a bank was needed at Johnson as much as anywhere else, and that it would accommodate a portion of Orleans county.

Mr. Stacy was inclined to favor the bill and establish a bank in Lamoille county to take the place of the private banking establishments of money lenders, who not unfrequently prove extortioners. According to the rule adopted in granting banks, he thought Lamoille county had made out a fair case.

The bill was rejected on the 3d reading—ayes 75, noes 108.

Resolutions. By Mr. Guild, instructing the judiciary committee to inquire into the constitutionality and expediency of taxing bachelors for the support of indigent maiden ladies; passed. By Mr. Rice of Somerset, for Thanksgiving day to be appointed by the Governor (not fixing a day); passed.

The Senate returned the Vermont Central Rail Road Co. bill, proposed to strike out the proviso which places the act under the control of future legislatures to alter or amend or repeal it. Opposed by Messrs. Henry, Vilas, Sherwood and Peck, and supported by Messrs. Whittemore, Hubbard, Guild, Bogue, and Stacy, and concurred in, ayes 93 noes 82.

Adjourned.

Petition referred. Of inhabitants of Ripton, to change the name of the town to Watertown, referred to General committee.

Engrossed Bills. Relating to the militia, (restoring the acts of '27 and '39 with amendments.) Mr. Peck moved to commit and amend, so that companies may retain their present uniform, which was agreed to and the bill passed.

The Senate came in and the following appointment was made:

BENNINGTON COUNTY.  
John H. Sanderson, Assistant Judge.

Resolution. From the Senate, directing the reporter of decision to request the Judges to furnish decisions of cases not already reported, to be published; passed.

SENATE.

Tuesday, Oct. 31.

Reports of Committees. Mr. Briggs, from Judiciary committee, reported House bill relating to imprisonment of debtors, with proposals to amend by striking out "imprisonment of debtors" and inserting "process"; adopted; read a third time and passed.

Mr. A. Allen called up the bill relating to the militia; it was read a third time and passed.

Mr. Read called up the bill relating to capital punishment, and moved to amend by shortening the time from the sentence to the execution from one year to six months supported by Messrs. Read and A. Allen, opposed by Messrs. Butler, Briggs and Plumb, and lost; the bill was read a third time and passed—ayes 25, noes 5.

HOUSE.

Bills Introduced. By Mr. Wright of Shoreham, from committee of Ways and means, making appropriations for the support of government, which was ordered to a 3d reading.

The Senate came in, and the following elections were made:

Hiland Hall, of Bennington, Bank Commissioner and Bank Committee. [Hall, 127; John S. Pettibone, 97; scattering, 4.]

For Commissioner; for Committee, Hall, 131; Thos. Bartlett, Jr. 97; scattering, 2.]

CHARLES K. WILLIAMS, Chief Justice of the Supreme Court.

nominated by Mr. Folsom and seconded by Mr. Starr, and elected vice voce, with few dissenting voices.

STEPHEN ROYCE, ISAAC F. REDFIELD, Assistant Justices. MILO BENNETT, DANIEL KELLOGG.

[The three first were elected unanimously; on the 4th, Mr. Tracy nominated Gen. Kellogg, stating that he was the choice of that judicial district; and the nomination was confirmed with few dissenting voices.]

Reports of Committees. By Judiciary committee against bills relative to fees for service of process, and relative to usury, and they were dismissed.

Mr. Whittemore called up the resolution, postponing the collection of notes given for the benefit of the University of Vermont, until the payment shall be called for by a future legislature. Mr. Whittemore gave the